

SCHOONER "AMISTAD"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A Report from the Secretary of State, relative to the schooner "Amistad."

JANUARY 27, 1844.

Read, and referred to the Committee on Foreign Affairs.

To the House of Representatives:

I communicate to the House of Representatives a report from the Secretary of State, under date of the 7th ult., accompanied by a copy of a note from the Chevalier de Argaiz, on the subject of the schooner "Amistad."

JOHN TYLER.

WASHINGTON, January 24, 1844.

DEPARTMENT OF STATE,
Washington, December 7, 1843.

SIR: On the 28th of February, 1842, you transmitted to Congress "sundry letters between the Department of State, and the Chevalier de Argaiz, on the subject of the schooner "Amistad." The last letter in that series is from Mr. Webster to Mr. de Argaiz, and is dated on the 21st June, 1842. On the 27th of the same month, Mr. de Argaiz replied at great length, but his reply was not sent to Congress with the other letters upon the same subject. He has complained to me of this omission, and requested that it might be supplied. I have ventured to express to him my entire confidence in your readiness to comply with his request, by submitting it to Congress. As that body has not yet acted upon the subject, it would seem to be in all respects proper that the entire correspondence should be laid before it.

I have the honor to enclose a copy of the letter of Mr. de Argaiz, in order that you may judge of the propriety of submitting it to Congress, as he requests.

Respectfully submitted:

A. P. UPSHUR.

To the PRESIDENT.

WASHINGTON CITY, *June 27, 1842.*

The undersigned, envoy extraordinary and minister plenipotentiary of her Catholic Majesty, has the honor to acknowledge the receipt of the note addressed to him by Mr. Webster, Secretary of State of the Federal Government of the Union, under date of the 21st instant, in answer to his of the 24th of September last.

Before entering fully into the question, however, the undersigned believes it will not be unimportant to make a cursory observation upon two points contained in his note of the 24th of September last, and to which the Secretary of State refers in his of the 21st instant.

The undersigned, yielding to the imperative voice of his duty, which obliges him to pursue this correspondence notwithstanding the decision of the Supreme Court of the United States, cannot but express his surprise that the Secretary of State should regard that decision as operative upon the Government of her Catholic Majesty. Even should the undersigned have failed to comprehend the precise meaning of the passage cited by him from the note of Mr. Forsyth, and should the Secretary of State be accurate in attributing to Mr. Forsyth the idea that the United States, and not a foreign Government, would decide this question; still the Government of her Catholic Majesty cannot make its claim elsewhere than to the executive power of the Union, and consequently the determination of the United States can have no force or virtue, except as emanating from the executive power.

The Secretary of State, in concluding his note of the 21st instant, seems to admit that the undersigned had correctly understood the principle maintained by him to be, that these blacks could not be claimed or delivered as slaves, (even should they have been held in lawful bondage,) if, besides being slaves, they were also criminals. This is the proposition contained in the note of Mr. Webster of the 1st of September last. Now, however, he confines himself to the principle that free persons charged with offences against foreign Governments cannot be delivered by the United States to the agents of such Governments—a question unnecessary and foreign to this case, since here the only persons treated of are the negroes of the *Amistad*, held in possession as slaves in a Spanish territory, and into the foundation of whose condition the United States had no jurisdiction to inquire. The undersigned is very happy to find in the communication addressed by the Secretary to Mr. Everett, the minister of the United States at London, upon the case of the *Creole*, a passage which may be applied directly to the case in question. In establishing the proposition that the blacks found on board the *Creole*, and the vessel itself, notwithstanding their physical position, should be considered as held in possession by citizens of the United States, and still pursuing their voyage, Mr. Webster says: "And that on other view of the subject can be true, is evident from the very awkward position in which the local authorities have placed their Government, in respect to the mutineers still held in imprisonment. What is to be done with them? How are they to be punished? The English Government will probably not undertake their trial or punishment; and of what use would it be to send them to the United States, separated from their ship, and at a period so late, as that if they should be sent before proceedings could be instituted against them, the witnesses might be scattered over half the globe. One of the highest offences known to human law is thus likely to altogether unpunished."

The mere reading of these lines is sufficient to prove to demonstration that the Secretary of State and the undersigned agree in principles; the former dissenting only upon the question of their application to the case of the *Amistad*.

Returning now to the present question, the undersigned, after a careful perusal of Mr. Webster's last note, remarks that his reasoning rests principally upon the ground, that, a claim for salvage having been presented, the courts were obliged to enter into an examination of the papers of the schooner *Amistad*; and that, being unable to avoid the decision of questions made before them, they pronounced their decree, based upon the law of nations, the laws of Spain and of the United States, and the existing treaty between the two nations.

The undersigned flattered himself so far as to believe that, after the reasons set forth in his note of the 24th of September last, there would be no occasion to renew a discussion upon this subject; but since the Secretary of State again dwells upon it, he will enter anew upon the argument, endeavoring to communicate to Mr. Webster the conviction under which he himself rests.

The schooner *Amistad*, after the frightful occurrences of which she was the theatre, arrived on the 26th of August, 1839, off Montauk Point, on Long Island; Montauk Point being three-quarters of a mile distant from the coast, (see the letter of Mr. Holabird to Mr. Forsyth, dated New Haven, 5th November, 1839.) The vessel, therefore, was "within the extent of the jurisdiction by sea" of the United States; in establishing which jurisdiction, it was proved that she was at the same time upon the high seas. (See the opinion of Judge Judson, delivered in the case of the *Amistad*, in January, 1840, and the opinions of Messrs. Webster and Story, cited by him.) Now, the sixth article of the treaty concluded in 1795, between Spain and the United States, is as follows:

"ART. 6. Each party shall endeavor, by all means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them, within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects."

The 9th article of the same treaty is as follows: "All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof."

The brigantine of war *Washington*, consequently, in succoring the schooner *Amistad*, according to the spirit and letter of these articles, did no more than fulfil the obligation which the United States contracted by the signing of that treaty; and therefore, no such claim for salvage should have been presented; and no court, knowing those stipulations, could or ought to have admitted it—much more, when the claim was made by the commander of a vessel of war of the United States, the treaty so distinctly prescribing the conduct to have been observed by that officer. Furthermore, although the

service rendered to the vessel was morally meritorious, yet, if it be considered physically, it is difficult to describe it as either glorious or attended with peril: first, because the schooner was only three quarters of a mile distant from the coast, and the sea was calm; secondly, because in the same manner that she had proceeded from the island of Cuba to the waters of Long Island, she might have continued her navigation, and passed south of the Potomac; and, thirdly, because the criminals who, by force, violence, and assassination, had succeeded in possessing themselves of the vessel, were certainly not enemies from whom resistance was to be expected, or, consequently, who could give anxiety to the officers of the Washington.

Further: the 9th article of the treaty, directing that property rescued on the high seas shall be *restored entire* to the owners, nothing can be granted for salvage, without entirely destroying the sense and the letter of that article—in virtue of which, likewise, the competency of the courts is precluded; to which may be added what Mr. Webster very properly says in his despatch to Mr. Everett—that the possession and the nationality of the vessel manifested by her papers, are sufficient evidence to repel all foreign jurisdiction.

The undersigned, then, believes that he has shown clearly and demonstratively, that as well the claim for salvage presented by the officers of the brigantine Washington, as the allowance thereof by the court, are two definite infractions of the 6th and 9th articles of the treaty of 1795.

The schooner *Amistad*, after having been succored, boarded, or captured, was conducted to New London.

But, from this fact, did she cease to be upon the high seas? The undersigned thinks otherwise; being firmly persuaded that the vessel, morally and legally, continued always under the jurisdiction of her Catholic Majesty; and, consequently, with much greater reason than in the case of the “Creole,” may it be said, (as expressed by Mr. Webster in his despatch to Mr. Everett upon that subject,) “It would seem to have been the plain and obvious duty of the authorities at Nassau, [at New London,] the port of a friendly power, to assist the American consul [the Spanish consul] in putting an end to the captivity of the master and crew, restoring to them the control of the vessel, and enabling them to resume their voyage, and to take the mutineers and murderers to their own country, to answer for their crimes before the proper tribunal.

“One cannot conceive how any other course could justly be adopted, or how the duties imposed by [the treaty and] that part of the code regulating the intercourse of friendly States, which is generally called the comity of nations, could otherwise be fulfilled. Here was no violation of British law [of American law,] attempted or intended on the part of the master of the *Creole*, [of the *Amistad*,] nor any infringement of the principles of the law of nations. The vessel was lawfully engaged in passing from port to port of the United States, [of the island of Cuba.] By violence and crime, she was carried, against the master’s will, out of her course, and into the port of a friendly power. All was the result of force. Certainly, ordinary comity and hospitality entitled him to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage, and bring the offenders to justice. But, instead of this, if the facts be as represented in these papers, not only did the authorities give no aid for any such purpose, but they did actually interfere to set free the slaves, and enable them to disperse themselves beyond the reach of the master of the vessel, or

their owners. A proceeding like this cannot but cause deep feeling in the United States [in Spain.] * * * *

"There being no importation, nor intent of importation, what right had the British authorities [the American authorities] to inquire into the cargo of the vessel, or the condition of persons on board? These persons might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own voluntary act; they might be confined for crimes committed; they might be prisoners of war; or they might be free, [or they might be *bozales* or *ladinos*.] How could the British authorities [the American authorities] look into and decide any of these questions? Or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all?"

The undersigned likewise believes it necessary to call to mind that the principles above cited were not concealed from the Government of the Union—that is to say, from the executive power; as is made manifest by various official documents which the undersigned will take the liberty of citing to Mr. Webster.

At the same time that the Secretary of State, Mr. Forsyth, received the first note which her Majesty's legation addressed to him upon this subject, there came to his hands a letter from Mr. Holabird, attorney of the United States for the district of Connecticut, dated the 9th of September, 1839, (and which Mr. Webster will find in Document No. 185 House of Representatives, 26th Congress, 1st session,) which is remarkable for the following passage:—"I would respectfully inquire, sir, whether there are no treaty stipulations with the Government of Spain that would authorize our Government to deliver them [the negroes] up to the Spanish authorities; and if so, whether it could be done before our court sits."

The undersigned can do no less than invite the attention of the Secretary of State very particularly to the opinion given by Mr. Grundy, Attorney General of the Union, when the schooner *Amistad* arrived upon the Anglo-American coast; which opinion, after having been adopted by the cabinet, and approved by the President, was, by the order of the latter, communicated to the undersigned on the 19th of November, 1839; and which is found in Document No. 185, page 37. In this paper, that eminent juriconsult, amongst other things, says: "It would scarcely be doubted that, under the laws of nations, property rescued from pirates or robbers by a vessel belonging to a friendly power, and brought into a port of that friendly power, would be restored to the rightful owners; and this, without any treaty stipulation. The 9th article of the treaty between Spain and the United States, dated 27th October, 1795, is as follows: 'All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.' This makes the case much stronger in favor of the Spanish claimants. There can be no difference, in reason, whether the vessel be captured on the high seas, or within our own waters or ports; because if captured on the high seas, they are to be brought into port and delivered into the custody of the appropriate public officers; and if captured after having already come into a port, they should be treated in like manner. It therefore seems to me that this case is clearly within the spirit and mean-

ing of the 9th article, and that the vessel and cargo should be restored entire, so far as practicable.

"My opinion further is, that the proper mode of executing this article of the treaty in the present case, would be for the President of the United States to issue his order, directed to the marshal in whose custody the vessel and cargo are, to deliver the same to such persons as may be designated by the Spanish minister to receive them. The reasons which operate in favor of a delivery to the order of the Spanish minister are :

"1st. The owners of the vessel and cargo are not all in this country, and, of course, a delivery cannot be made to them.

"2d. This has become a subject of discussion between the two Governments ; and, in such a case, the restoration should be made to that agent of the Government who is authorized to make, and through whom the demand is made.

"3d. These negroes are charged with an infraction of the Spanish laws ; therefore, it is proper that they should be surrendered to the public functionaries of that Government, that, if the laws of Spain have been violated, they may not escape punishment.

"4th. These negroes deny that they are slaves. If they should be delivered to the claimants, no opportunity may be afforded for the assertion of their right to freedom. For these reasons, it seems to me that a delivery to the Spanish minister is the only safe course for this Government to pursue."

In like manner, the undersigned will remind Mr. Webster of the note addressed to him by Mr. Forsyth, on the 6th of January, 1840, (Doc. 185, pp. 37 and 38,) in which may be read the following remarkable words :

"The President has the more readily been inclined to accede to your request in this particular, on account of one of the leading motives which prompted you to make it,—that the negroes, having asserted before the court of Connecticut that they are not slaves, may have an opportunity of proving the truth of their allegation *before the proper tribunals* of the island of Cuba, by *whose laws alone*, taken in connexion with the circumstances occurring before the arrival of the negroes in the United States, the question of their condition can be *legally* decided."

Finally, the undersigned feels bound furthermore to cite the journal of the Senate of the United States, (Doc. 179, pages 9 and 10, 26th Congress, 2d sess.,) which contains resolutions unanimously adopted by that body with regard to the cases of "the Enterprise," "the Encomium," and "the Comet."

After a careful examination of the reasons set forth, as well in this communication, as in the residue of the correspondence upon the subject of the Amistad, which has passed between her Majesty's legation and the department, and to which the undersigned again invites the attention of Mr. Webster, will it still be maintained that the treaty of 1795 has not been infringed? Will Mr. Webster still confidently contend that the courts of the Union could lawfully proceed in this case? And, finally, can the Government of the United States entertain the smallest doubt with respect to the complete indemnity which is due to the subjects of her Catholic Majesty, Don Jose Ruiz and Don Pedro Montes, for the property of which they have been so unjustly despoiled, and for the sufferings, bodily and mental, which they have undergone during the months of their imprisonment? The undersigned confidently hopes that the Secretary of State, acknowledging

the force and the demonstration resulting from these facts, will at once accede to their just claims.

From the foregoing exposition, it is easy to deduce that, over and above the reasons and arguments which her Majesty's Government, through the medium of her legation in the United States, has presented in support of this claim, (and which, in the opinion of the undersigned, have not been overthrown,) there result likewise indisputable principles in its favor, emanating from illustrious authorities of the United States, and most especially from Mr. Webster, the present Secretary of State of the Anglo-American Confederation, in his note to Mr. Everett relative to the case of the "Creole."

Before the occurrence of this last-mentioned event, the Government of her Majesty might have entertained the illusion that the Government of the United States, in delaying to accede to its just claims, had been actuated, perhaps, either by reasons of a political character, and peculiar to the country, or from an erroneous method of considering the question. At the present day, however, since the doctrines maintained by the United States, through the medium of Mr. Webster, are known, there does not and cannot exist the smallest doubt upon this matter. Both Governments profess the same doctrines; both are altogether agreed upon principles. If, therefore, (which is not to be expected or believed,) the Government of the Union should adhere to its refusal, her Catholic Majesty's Government, much to its regret, will be forced to admit the supposition that the friendly sentiments by which it is animated are not reciprocated by the Government of the United States.

The undersigned deems it also indispensable that he should make known to the Secretary of State that her Majesty's Government has been pleased to approve the conduct observed by the undersigned in this case, and very particularly the note of the 29th of May, 1841; and that he has received, at the same time, definite orders from her Majesty's Government to ask again, explicitly and distinctly, as he now does, the admission or denial of the four points set forth in the abovementioned note of the 29th of May, 1841.

For the purpose of facilitating the Government of the United States in ascertaining the total of the sum claimed, and to convince it how moderate and liberal her Majesty's subjects have been in their claim of compensation for so many losses and sufferings, the undersigned has the honor of enclosing herewith copies of authenticated documents, whose originals are in his power, to wit:

1st. The invoices of the goods, and their prices, which Messrs. Ruiz and Montes had on board the schooner *Amistad*.

2d. The authenticated proof of the value of the negroes *when purchased in Havana*; and of the damages sustained by Messrs. Ruiz and Montes.

3d. The value of the vessel, moderately estimated, after her arrival in the United States; and the value of the negro Antonio.

All which, as the Secretary of State will be pleased to observe, amounts to the sum of \$47,405 62½.

If, contrary to all the hopes which are entertained, the Government of the United States should refuse to grant this indemnity, so justly claimed and due, the undersigned, in fulfilment of the orders which he has received from her Majesty's Government, must declare that Spain, considering it offensive to her national dignity, cannot consent that, while she discharges with religious scrupulousness the obligations which she has contracted

with the United States, they should disregard those which are imposed upon them by the stipulations of the treaties; and that, in consequence of this consideration, the Government of Spain cannot deny to the subjects of her Majesty the protection which they have the right to require from it.

And as it cannot permit the property of those subjects to remain longer abandoned, it will consider the answer of the Secretary of State as conclusive and decisive of the matter. The undersigned, therefore, begs that Mr. Webster will be pleased to make it as definite as possible.

And, finally, as the orders which the undersigned has received require of him by all means to endeavor to obtain a prompt reply, he will be very happy if it should please Mr. Webster to answer him as early as practicable, in order that his note may be seasonably communicated to her Majesty's Government, according to its wishes. The undersigned, not doubting that the resolution will be in accordance with the well-founded hopes of her Majesty's Government, avails himself of this occasion to reiterate to Mr. Webster, Secretary of State of the United States, the assurances of his high esteem and distinguished consideration.

P. A. DE ARGAIZ.

To the Hon. DANIEL WEBSTER,
Secretary of State.

No. 1.

[TRANSLATION.]

Military and Political Government of Havana.

HAVANA, October 25, 1841.

To the Acting Assessor, Martinez :

Her Catholic Majesty's minister in the United States of America, under date of the 24th ultimo, addressed me as follows :

"MOST EXCELLENT SIR: I received, in due time, your excellency's despatch of the 23d of last July, wherein you were pleased to repeat what you had written to me under date of the 2d of February preceding, which latter despatch did not reach me. The information which you have been pleased to send me, respecting the arrest of the schooner *Amistad*, and the cargo of that vessel, given by the most excellent the commandant general of marine and the intendant of the army and royal treasury, does not afford sufficient foundation for preferring a claim against this Government; because, what is required in this case is to know the nature and value of the schooner and her cargo. This is the more necessary, as I am charged, by order of the Regent of the kingdom, under date of the 13th of May last, before urging my claim, to have presented to me, by the owners of the schooner *Amistad* and her cargo and slaves, an account of the value thereof, well calculated, and drawn up according to justice, so that it may not appear excessive; and that, by thus making known the truth, force may be given to my claims and to the efforts which I may have to make, in order to obtain a good result. Under these circumstances, I hope that your excellency will be pleased to take measures that the persons interested in the affair should present the invoices (so far as each may be interested) of the said cargo—setting forth, if it be possible, the value of the vessel herself; and I pray

your excellency to send them to me as soon as possible. I have understood that Don Pedro Ruiz resides at Puerto Principe; that he is the considered partner of Don Saturnino Carrias, and he may give information as to the residence of Don Pedro Montes. It is indispensable that those gentlemen should show the injuries which they have suffered from the persecutions to which they have been subjected in the United States; and that, if any indemnification can be obtained, they should be contented with what I can procure for them prudently.

"I avail myself of this occasion to renew to your excellency the assurances of my esteem and high consideration."

I therefore recommend to you, sir, to take measures that the said Ruiz should afford the information required in the above copied despatch. May God preserve you many years.

GERONIMO VALDES.

To the **LIEUTENANT GOVERNOR**
Of the city of *Puerto Principe*.

No. 2.

PUERTO PRINCIPE, *November 10, 1841.*

Let the preceding communication be submitted to Señores Carrias and Sobrino, and Don Pedro Montes, that they may afford the information demanded by her Majesty's minister in the United States of North America, and report the results.

MARTINEZ.
L. MORA.

JOSE RAFAEL CASTELLANO.

On the 11th of this month and year, I gave notice, with a copy of the above decree, to Don Pedro Montes.

CASTELLANO.

On the same day, I gave notice, with a copy of the said decree, to Señores Carrias and Sobrino.

CASTELLANO.

No. 3.

Memorandum of the costs and damages sustained by me from the Anglo-American Government, from the moment when the brig Washington took the schooner Amistad, and of the property which she was carrying to Puerto Principe, viz:

On the 29th of August, 1839, I was carried to New London, where I remained until the 17th of September of the same year, in consequence of the order of the judges, who imposed upon me the penalty of 1,500 dollars if I

should go away without making the declarations which were taken from me in the city of Dunfort, (Hartford?) Having done this, and considering myself at liberty, I undertook my journey thence to New York, where I had to remain a month, for want of a vessel; and, after obtaining one, I was arrested and put in prison by order of the Government, and was kept there ten days. During all this time I expended in travelling, in indispensable expenses for my subsistence, and fees to the lawyer, D. N. Purroy, the sum of three hundred dollars, (\$300.)

The injuries occasioned to my interests by the said detention and imprisonment are incalculable; because, having been considered in Puerto Principe as dead, the greater part of my property was sold at a disadvantage; to which is to be added, the paralyzing of my trade and business during all that time; these injuries may be stated, moderately, at two thousand dollars, (\$2,000.)

Three negroes whom I was conducting from Havana to Puerto Principe, for the service of my house, and were seized by the said Government, cost me—the one six hundred and forty dollars, the other three hundred and forty dollars, (\$980.)

In total, the costs, damages, and slaves, set forth in this paper, amount to three thousand two hundred and eighty dollars, (\$3,280,) as certainly proved.

PEDRO MONTES

PUERTO PRINCIPE, *November 13, 1841.*

N. B.—The invoices of the goods which I also had on board the said schooner, are in possession of my son and general agent, Don Jose Montes, at Havana, who will present them to his excellency the Captain General; and to that end I write to him on this day.

PEDRO MONTES.

No. 4.

PUERTO PRINCIPE, *November 13, 1841.*

Don Pedro Montes, of this place, appears before your excellency, and, with due respect, declares: That, in fulfilment of the decree of your excellency, issued in consequence of a request for information from her Majesty's minister in the United States, relative to the injuries sustained by the deponent in the schooner *Amistad*, he makes a formal presentation of the annexed paper, in which they are detailed, in order that, in virtue thereof, her Majesty's said minister in the United States may make the proper claims. Wherefore I pray your excellency that you will, after presenting the said paper, be pleased to give to it the direction required by the nature of the case. This favor and benefit the deponent hopes to receive from your excellency, whose life may God preserve many years.

PEDRO MONTES.

The LIEUTENANT GOVERNOR.

PUERTO PRINCIPE, *November 13, 1841.*

Let the deposition presented by the person interested be added to those of Carrias and Sobrino.

JOSE RAFAEL CASTELLANO.

On the said day I gave copy of, and read the preceding decree to, Don Pedro Montes.

CASTELLANO.

On the said day I gave notice, with a copy of the decree, which I also read, to Carrias and Sobrino.

CASTELLANO.

A true copy : ARGAIZ

Nos. 5 and 6.

Specific account of the number and value of the slaves and cargo which the Spanish schooner *Amistad*, commanded by Don Ramon Ferrer, was carrying from Havana to the port of Guanaja, in this island; during which voyage, the said slaves, belonging to Don Jose Ruiz, rose in insurrection; and of the costs, losses, and injuries inflicted on him, as well as of the injury to his health, from the unjust imprisonment which he underwent in the prisons of the United States, arranged in the following order :

SLAVES.

	Dolls.	rls.	Dolls.	rls.
49 slaves, at \$450 each - - - - -	-	-	22,050	0
50 changes of clothes—as shirts and pantaloons	100	0		
Value and expenses of the slaves in full - - -	-	-	22,150	0

CARGO.

200 boxes of vermicelli, bought from J. Zulueta,				
263 cwt. 10 lbs., at \$9 $\frac{1}{4}$ the quintal - - -	-	609	1	
1 ream of letter-paper - - - - -	-	3	4	
4 guns, with percussion locks, at \$11 each - - -	-	44	0	
Whips, \$3; <i>embase</i> , \$1 - - - - -	-	4	0	
Bought from Ferrandez & Co. { 4 large <i>guijos</i> - - - - -	}	1,801	4	
2 small <i>guijos</i> - - - - -				
8 <i>coronas de carron</i> for the drums - - -				
6 drums <i>de carron</i> - - - - -				
6 trunks for the <i>guijos</i> - - - - -				
6 dies, with faces - - - - -				
200 cradles for sugar mills - - - - -	-			
3 kettles of 21 cwt. 10 lbs. - - - - -	-			
20 boxes, containing 81 cwt. 9 lbs. of bacon,				
bought from Roig, Brunet, & Co., at \$10				
the quintal - - - - -	-	203	3 $\frac{1}{2}$	
25 sacks of beans, 184 cwt. 10 lbs., at 7 reals - - -	-	161	2 $\frac{1}{2}$	
15 boxes of sugar, at 17 reals - - - - -	-	31	7	
10 boxes sugar, inferior quality, at 14 reals - - -	-	17	4	
2 bags of rice, 10 cwt. 23 lbs., at 15 reals - - -	-	22	2 $\frac{1}{2}$	
24 arrobas 16 lbs. of jerked beef - - - - -	-	38	4	
10 dozen glass bottles, bought from the Brothers				
Torrente, at 4 reals - - - - -	-	5	0	

	Dolls. rls.	Dolls. rls.
39½ thousands of sewing needles, at \$2	79 0	
48 rolls of wire	5 0	
45 bottles of anisette, at \$1	45 0	
5 card boxes of ribbons, at \$18	90 0	
45 maps of Puerto Principe, at \$5	225 0	
13 maps of Puerto Principe, finer quality, at \$6	78 0	
1 case of books of various kinds	18 0	
Expenses of putting articles on board	19 0	
Total value of cargo		<u>3,501 0½</u>

LOSSES AND DAMAGES.

Interest on the value of the slaves and cargo, \$25,651½, from September 1, 1839, to December 31, 1841, at the rate of interest established by law in the United States, viz: 7 per cent. per annum	4,189 5½	
Expenses of subsistence from the 30th of August, 1839, when I landed, to the 31st of January, 1840—154 days, at \$2 a day	308 0	
Expended in defence of my property and person, during my unjust imprisonment, from the 17th of October, 1839, to wit:		
Paid to the attorney Mr. Ingersoll	100 0	
Do. Mr. Hungerford	100 0	
Do. Mr. Purroy	340 0	
Difference of exchange on the sum of \$1,000, which was advanced to me for my expenses in that country, at 6 per cent.	60 0	
Interest on this sum from January 1, 1840, to December 31, 1841, at the above stated interest of 7 per cent. per annum	127 1	
Total of losses and damages		<u>5,224 6½</u>

SUMMARY.

	Dolls. rls.
Slaves: Value of the slaves as proved	22,150 0
Cargo: Least value of the articles shipped	3,501 0½
Losses and damages: Interest on the value of the slaves and cargo	4,189 5½
Expenses of Don Jose Ruiz	\$908 0
Interest of the above sums	127 1
	<u>1,035 1</u>
Arrest of all my business from the 1st of September, 1839, to the end of February, 1840—the injury calculated according to the extent of my business; the injury of my person, name, and reputation; the expenses and consequences of my imprisonment, from which I am still suffering, as proved in the evidence presented and sent in original to his excellency the Spanish minister in the United States	10,000 0
Total	<u>40,875 7</u>

The preceding account is certain and positive; the losses and injuries being calculated carefully, according to the acts, capital, losses of time, and vexation undergone, and protested against at proper times. In virtue whereof, I take oath to it before God, making the sign of the cross, according to the order of our holy Catholic religion and the laws of these kingdoms.

PUERTO PRINCIPE, *November 13, 1841.*

Signed by us and by Don Jose Ruiz.

CARRIAS & SOBRINO.
ARGAIZ.

A true copy:

No. 7.

PUERTO PRINCIPE, *November 13, 1841.*

MR. LIEUTENANT GOVERNOR: We, the members of the commercial house of Carrias & Sobrino, of this city, appear before your excellency, in behalf of Don Jose Ruiz, a partner of the said house, and, with due respect, declare: That, in fulfilment of your excellency's decree, issued in consequence of the request for information made by her Majesty's minister in the United States, relative to the injuries sustained by the said Ruiz in the schooner *Amistad*, they formally present the annexed account, in which they are detailed, in order that the said minister in the United States may, in virtue thereof, make the proper claims.

They pray your excellency that, on presentation of the said account, you will be pleased to give it the direction required by the nature of the case; which favor and benefit the petitioners hope to receive from your excellency, whom may God preserve many years.

CARRIAS & SOBRINO.

PUERTO PRINCIPE, *November 15, 1841.*

Let it be added to those preceding in the same case.

R. MARTINEZ.

JOSE RAFAEL CASTELLANO.

On the same day, I gave notice, with a copy of the preceding decree, which I also read, to Carrias & Sobrino.

CASTELLANO.

On the same day, I gave notice of the decree, and a copy, which I read, to Don Pedro Ruiz.

CASTELLANO.

then delivered these papers to the Assessor.

CASTELLANO.

No. 8.

PUERTO PRINCIPE, *November 17, 1841.*

After having completely fulfilled the object of the communications of his excellency the President, Governor, and Captain General, return the results, with the proper official forms and notices, to the persons interested.

MARTINEZ,
L. MORA.

JOSE RAFAEL CASTELLANO.

On the same day, I gave notice, and a copy of the preceding decree, to Messrs. Carrias & Sobrino.

CASTELLANO.

On the 18th instant, I gave notice, with a copy of the decree, to Don Pedro Montes.

FERRER.

No. 9.

POLITICAL AND MILITARY GOVERNMENT OF HAVANA,
December 7, 1841.

The notary of the Government will, as speedily as possible, take the necessary acknowledgment of their signatures, as made to the annexed invoices by Don Jose Montes, as attorney of his father, Don Pedro, whose full power and petition accompany them.

VALDES.

HAVANA, *December 22, 1841.*

The duty ordered by the above decree has been performed, and testimony thereof is given to the person interested, on his demand, this day.

L. ALLO.

No. 10.

MOST EXCELLENT SIR: Don Jose Montes y Canes, a resident in this city, in the name and holding the power (as proved by the accompanying evidence) of his legitimate father, Don Pedro Montes, before you respectfully declares: That, in consequence of a certain communication made to your excellency by the Spanish ambassador in the United States of America, asking for an account of the cargo carried by the schooner Amistad, in order that proper claims should be made on that account, as also for the invoices on the part of each person interested, the father of the deponent exhibited the account at Puerto Principe; but, as the invoices were in this capital, he now exhibits them, in order that the said invoices may pass, through your excellency, to the hands of the ambassador. Wherefore, he prays your excellency that you will please, after they have been presented, under oath, to have their signatures examined, and to see that the contents are true, and that it is proved that the goods therein referred to were brought by my father and laden on board the schooner

Amistad, to be carried to Guanaja, in the voyage undertaken by the said vessel from this place, for that port, in the latter part of June, 1839; committing this proceeding to the notary of the Government, and, when the examination has been completed, that it be all delivered to the Spanish ambassador in the United States, in order that these documents, with the others exhibited at Puerto Principe, may serve in support of the claim for the goods, or their value, with the damages. Thus prays the petitioner, and he hopes to receive it from your excellency's justice.

JOSE MONTES Y CANES.

In the ever faithful city of Havana, on the 22d of December, 1841, in virtue of the order of his excellency the Captain General, in the preceding decree of the 7th instant, I went to the residence of Don Felipe Xigues, a native and inhabitant hereof, married, and engaged in the trade of this place, whose oath, sworn according to law, I received. He offered to tell the truth; and, having placed in his hands the paper of six sheets, he examined the signature at bottom thereof, which he acknowledged to be his own name and mark, according to his accustomed mode of writing; and he therefore admitted it as such: all which is true, under his oath. I read this to him, and he declared it to be exact. He is 42 years of age, and signed as follows:

XIGUES & COMPANY.

Before me:

L. DE ALLO.

In the ever faithful city of Havana, on this 22d of December, 1841, in fulfilment of the order in the decree preceding, I went to the house of Don Pedro Gil y Montaña, a native, as he declares, of Barcelona, and residing here, a bachelor and merchant of this place, whose oath, made according to law, that he would tell the truth, I received; and having presented to him the document of seven sheets, he read it, and acknowledged it, as well as the signature at its end, to be his handwriting as accustomed, and does acknowledge it to be so, and therefore ratifies the same, declaring it to be true, according to his oath. He says he is 26 years of age; and having read this, and found it exact, he signed it accordingly.

PEDRO GIL Y MONTANA.

Before me:

L. DE ALLO.

[POWER.]

No. 11.

In the ever faithful, most noble, and most loyal city of Santa Maria de Puerto del Principe, in the island of Cuba, on the 18th of February, 1841, before the assistant public notary of the notariat of the licentiate Don Melchior Batista, and witnesses, appeared Don Pedro Montes, a native of the city of Tortosa, in the province of Catalonia, a resident and merchant of this city, to whom I give faith, and said: That he gives his full and complete power, as far as legally required and necessary, to Don Jose Montes y Canes, merchant of the city of Havana, his legitimate son, for all his suits, causes, and business;

and, in case of need, he may present whatever writings and documents may conduce to the end, taking them from the archives in which they may be; he may present witnesses, and have them sworn, or oppose objections to them, and cite disqualifications; and for all other proofs whatsoever, he may ask for or renounce *terminos, receptorias, requisitorias*, [law terms for which there appears to be no English equivalents,] and other documents; may make affidavits, protests, replies, citations, and conclusions; may hear acts and sentences; may assent to what is favorable, and appeal from and petition against what is injurious; and may prosecute these, and all other affairs of business, which he lawfully may and ought, with free, frank, and general administration. This power is, moreover, conferred upon him, in order that he may represent his rights and actions, on account of the schooner *Amistad*, [with] which he made the land in the north, with several negroes in insurrection; giving authentic receipts and letters of payment, with power to substitute one or more persons, to revoke such substitutions, and to appoint others. To which end, he binds himself, and his present and future property; he renounces the laws and rights in his favor, and he signs this, in presence of the witnesses Don Esteban Ledesma, Don Diego Batista, and Don Mariano Aguero.

PEDRO MONTES.

DIEGO ANTONIO URRRA.

I, the undersigned notary, was present at the authentication; and, in faith thereof, I sign this day.

[Notarial mark.]

DIEGO ANTONIO DE URRRA.

We, her Majesty's notaries, of the number of those of this city, here sign, seal, certify, and give faith and true testimony, that Don Diego Antonio de Urra, by whom the preceding testimony is authenticated, is an assistant public notary to the notariat of the licentiate Don Melchior Batista, as he entitles himself, faithful, legal, and confidential; and that to him, and to the others of the same class, entire faith and credit is given, in court and out of court: and to that effect we give this present.

JOSE RABELLO,

MANUEL MARTINEZ VALDES,

JOSE RESURRECCION RODRIGUEZ.

PUERTO PRINCIPE, February 18, 1841.

No. 12.

HAVANA, June 26, 1839.

Don Pedro Montes to Xigues & Co.

Dr.

						Dolls.	rs.
25	pieces of undressed striped stuff, at \$8	-	-	-	-	200	0
104	do. colored muslin, at \$2	-	-	-	-	208	0
40	do. white muslin, at \$2 $\frac{1}{4}$	-	-	-	-	90	0
12	do. do. 8 varas each, at 27 reals	-	-	-	-	40	4
30	do do. do. at \$2	-	-	-	-	60	0

		Dolls.	rls.
4	pieces of white muslin, 16 varas each, at \$7 $\frac{1}{2}$	-	30 0
3	do. yellow drilling, 20 varas each, at \$8 $\frac{1}{2}$	-	25 4
4	do. do. yerbillas, at \$12 $\frac{1}{2}$	-	50 0
1	do. striped stuff, cost 40 $\frac{3}{4}$, 75 varas, at 1 $\frac{3}{4}$ real	-	12 4
2	do. colored cambrics, at \$5 $\frac{1}{2}$	-	11 0
1	do. black Hollands	-	2 4
4	dozen Holland cambric handkerchiefs, at \$13	-	52 0
12	do. different quality, at 9 reals	-	13 4
6	shirts, of Holland cambric, at \$4	-	24 0
$\frac{1}{2}$	dozen silk handkerchiefs	-	7 6
$\frac{7}{7}$	pairs colored silk stockings, at \$2 $\frac{1}{2}$	-	17 4
1	dozen of cotton drawers	-	5 0

Received payment.

849 6

XIGUES & Co.

No. 13.

EL PRESTADOR, CALLE DE MERCADORES, No. 20.

Don Pedro Montes to Pedro Gil y Montaña, DR.

20	pieces of superfine cambric, at \$3	-	-	-	\$60
12	dozen pairs of superfine cotton drawers, at \$7	-	-	-	84
2	velvet belts, at \$8	-	-	-	16

Received payment.

160

PEDRO GIL Y MONTANA.

HAVANA, June 22, 1839.

A true copy: ARGALIZ.

No. 14.

Informative memorial of Don Jose Ruiz, in proof of the loss of property sustained by him in consequence of the insurrection of the negroes whom he was conveying from the city of Havana to this place, and who were carried to the United States.

Señor Lieutenant Governor:

I, Don Jose Ruiz, a resident and merchant of this city, appear before you, and, in the manner most conformable with law, do declare that, on the 26th of June of the past year, 1839; I purchased from Don Pedro Martinez & Co., of Havana, forty-nine negroes, at the price of four hundred and fifty dollars each, with the object of carrying them to the city of Puerto Principe, where I reside, and whither I set off in the schooner called the Amistad; but, unfortunately, after two days on the voyage, they rose and took possession of the vessel, committing murders and outrages; which continued until the day when I was freed from them by the brig-of-war Washington, belonging to the United States of North Ameri-

ca, which placed me at the disposition of the authorities. Proceedings in consequence took place there, relating to the above-mentioned circumstances, involving the question of the state of the negroes, for whose liberation every imaginable effort was unjustly made, without the slightest consideration for the right of property which I held in them. I purchased them at Havana, from the said house of Don Pedro Martinez & Co., with my own money. I had a right to purchase them, because they were slaves, subject to the service of those masters, and because the laws of these dominions permit me to do so; and the said contract contained nothing which should vitiate it, or render it illegal, agreeably to the said laws or right of Spain. All which renders it incomprehensible how a friendly nation should find the slightest reason for making such an attack upon the liberty, property, and rights of an individual—one, moreover, already in misfortune, and who should have been, on the contrary, attended to and respected, as justice and civilization require.

The principal point on which the question appeared to turn, was the want of documents in proof of the title of property; which it was not possible to obtain at the moment when they were required, as well on account of the nature of the occurrences, as on account of the distance at which I was from the country in which the facts took place. The contract which I there made with the house of Martinez was public. My right to make that contract was notorious, as well as the regularity and good faith of all my acts and proceedings in general; on which points I can afford proof clear, full, and sufficient to convince and persuade. In order to procure this proof, and to obtain from the said Government of the United States justice, complete restitution of the value of that property, and reparation of the losses and damages inflicted on me, by an improper and degrading imprisonment in one of the jails of that country, I have to request that you will use your authority to order the witnesses to present themselves, and, under oath, taken in form and manner most legal, adequate, and sufficient to give faith, to declare, *first*, whether it is certain, positive, and evident that I made the above contract of bargain and sale for the forty-nine negroes aforesaid, for the sum of four hundred and fifty dollars, with the house of Martinez & Co., of Havana, at the fixing and settlement of which price they were present; and, *secondly*, that by the nature, number, and importance of my affairs, (of which they have a perfect knowledge, from having been engaged in the business in this city itself,) they should consider and determine whether the least amount of the losses sustained by me does not exceed ten thousand dollars; and these acts having been performed, that you would be pleased to order the delivery of the papers, in proof, to me, with the approval of the court; as also the evidence which I may ask—I being ready to satisfy all the demands therefor.

I pray you, sir, to provide for what I ask, and to order it accordingly, as the justice which I ask requires, under my oath, that all stated by me is true, and that I do not act from malicious motives. (Gratis.)

JOSE RUIZ,
SANTIAGO ZALDIVAR,
The licentiate NICOLAS STERLING,
HEREDIA.

PUERTO PRINCIPE, *October 14, 1841.*

The informative memorial is to be admitted ; the witnesses are to be assembled, and, after they have been sworn according to law, they are to be examined on the particulars to which the memorial relates.

Duty 25 reals.

P. MARTINEZ,
L. MORA.

Don Carmelo Martinez, decorated with various crosses of distinction, colonel of infantry, and lieutenant governor, political and military, of this city and jurisdiction, gave the above order, and signed it at Puerto Principe on the 14th of October, 1841, in my presence : whereof I give faith.

JUAN RONQUILLO.

On the same day, I notified Don Jose Ruiz of the above decree, and gave him a copy ; whereupon he signed this, as I give faith.

JOSE RUIZ.

RONQUILLO.

I then notified Don Santiago Zaldivar, and gave him a copy of the above decree ; whereupon he signed this, as I give faith.

ZALDIVAR.

RONQUILLO.

On the 18th of October, 1841, appeared before the court Don Hermogenes Arpe, a native of Biscay, a merchant residing in this city, aged 33 years, and having made oath before God, and with the sign of the cross, he thereupon offered to speak the truth ; and being examined according to what is set forth in the above, (of which he was informed,) he said that, being in the city of Havana, he witnessed the purchase made by the person who summoned him, (Don Jose Ruiz,) of forty-nine slaves, from the house of Martinez and Company ; which slaves were embarked in the schooner Amistad, and there rose in insurrection, committed murders, and took possession of the vessel, which was afterwards made a prize by a vessel of war of the United States ; that, with regard to this occurrence, and from his knowledge of the business of Ruiz, he understands that a loss has been sustained by that person of at least ten thousand dollars ; and that this is the truth, upon his oath. He signed this paper, as well as his excellency and the assessor ; of which I give faith.

MARTINEZ,

L. MORA,

HERMOGENES DE ARPE,

JUAN RONQUILLO.

Afterwards appeared Don Manuel Antonio Padilla, a native of the island of Santo Domingo, residing now at Havana, and skilled in the practice of the coasting trade ; he took oath before God, and with the sign of the cross, under which he offered to tell the truth ; and having been examined according to what is set forth in the preceding paper, after he had become informed of it, he said that he was really present at the making of the contract for forty-nine negro slaves, to which the person who summoned him alludes, who paid \$450 for each slave ; that with regard to the unfortunate events on board the Amistad, he witnessed them all, though he had the good fortune to escape in the boat ; and that, from his acquaintance with the affairs of Ruiz, he believes positively that the losses and damages which he has suffered in consequence of this fatal affair amount to at least

ten thousand dollars; and that this is the truth, on his oath. He signed this paper, together with his excellency and the assessor: of which I give faith.

MARTINEZ,
L. MORA,
MAN. ANT. PADILLA,
JUAN RONQUILLO.

PUERTO PRINCIPE, *October 8, 1841.*

I received from Santiago Zaldivar one dollar, which I took in payment for the first sheet of this informative, which should have been under the second seal, whereas it was placed under the third.

ZALDIVAR.

RONQUILLO.

On the 23d of the same month and year, appeared Don Ramon Bermejo, a native of Santa Maria de Cameros, in old Castile, a resident and merchant of this place, a married man, aged 42 years; and having had administered to him an oath, according to law, under which he offered to tell the truth, he was examined agreeably to the tenor of the paper preceding; and being informed thereof, he declared that he was actually present at the conclusion of the bargain made between the person who summoned him and the house of Martinez and Company of Havana, for forty-nine slaves, at the price of \$450 each; that, on entering into possession of those slaves, he embarked them on board of the schooner Amistad, to bring them to this city; that three days after the vessel had left the port, the negroes arose in insurrection, and, having killed the captain and one seaman, made themselves masters of the vessel, and went on sailing until they were taken on the coast of the United States by a vessel of war of that nation; that, with respect to this event, and from the acquaintance which the witness has with the affairs of Ruiz, he does not consider the estimate of ten thousand dollars as the amount of his loss exaggerated; and that this is the truth, upon his oath, he signed this paper, with his excellency and the assessor: whereof I give faith.

MARTINEZ,
L. MORA,
RAMON BERMEJO,
JUAN RONQUILLO.

NOTE.—The party declared that he should present no more witnesses: I give faith.

RONQUILLO.

On the same day I delivered these papers to the assessor.

RONQUILLO.

PUERTO PRINCIPE, *October 23, 1841.*

The papers have been examined. Everything done according to law in this informative document, drawn up at the request of Don Jose Ruiz, is approved; and for its further establishment and confirmation, the judicial authority exercised by his excellency is interposed. Let the original, with the evidence which he may ask, be delivered; the costs having been levied and satisfied—48 reals.

OFFICE OF THE ASSESSOR.

CARMELO MARTINEZ.
The licentiate MORA.
JUAN RONQUILLO.

On the same day I gave notice to Don Santiago Zaldivar, attorney for Don Jose Ruiz, who signed this. I give faith.

ZALDIVAR.

RONQUILLO.

I then delivered these papers to the person appointed to determine the costs. I give faith.

RONQUILLO.

Estimate and determination of the costs of this informative document, with a discount of four per cent, as follows :

	Reals.
To the Governor Don Carmelo Martinez, for signatures, and for being present - - - - -	27
To the licentiate Don Vicente Mora for assessor's fees and presence	69
To the attorney Don Sant. Zaldivar, costs, signatures, and presence in the business - - - - -	35
To the notary for his fees - - - - -	40
For this estimate of costs - - - - -	9
The duty on costs, at 4 per cent. - - - - -	6
Total amount \$23 and 2 reals, or - - -	<u>186</u>

PUERTO PRINCIPE, October 23, 1841.

ZALDIVAR.

NOTE.—I this day delivered to the party these papers, on five used sheets.

PUERTO PRINCIPE, October 23, 1841.

RONQUILLO.

A true copy :

ARGAIZ.

On the same day I gave notice to Don Santiago Xaldívar, attorney for Don José Ruiz, who agreed that I give him

RONQUILLO

I then delivered these papers to the person appointed to determine the costs. I give him

RONQUILLO

Estimate and determination of the costs of this writative document, and a discount of four per cent, as follows:

To the Governor Don Carmelo Martínez, for signature, and for being present
To the licentiate Don Vicente Mota for assessor's fees and presence
To the attorney Don Sant Xaldívar, costs, signature, and presence
in the business
To the notary for his fees
For this estimate of costs
The duty on costs, at 4 per cent

Total amount \$23 and 2 cents, or

Puerto Rico, October 23, 1841

XALDIYAR

Note.—I this day delivered to the party these papers, on five used sheets

RONQUILLO

ARAGUE

A true copy

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